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## HARMFUL AQUATIC ORGANISMS IN BALLAST WATER

### Review of the ballast water record book

Submitted by Liberia, Republic of Korea, Singapore, BIMCO, ICS and INTERTANKO

#### SUMMARY

*Executive summary:* This document comments on document MEPC 76/INF.20 regarding entries in the ballast water record book (BWRB) and proposes that the guidance provided in appendix II of the BWM Convention (Form of the Ballast Water Record Book) be reviewed as part of the data gathering and analysis plan (DGAP) (BWM.2/Circ.67/Rev.1) as envisaged in the experience-building phase (resolution 290(71))

*Strategic direction, if applicable:* 1

*Output:* 1.24 and 1.25

*Action to be taken:* Paragraph 10

*Related documents:* MEPC 76/INF.20; BWM/CONF/36; resolution MEPC.290(71) and BWM.2/Circ.67/Rev.1

#### Introduction

1 Document MEPC 76/INF.20 provides INTERTANKO's commentary on entries in the ballast water record book (BWRB). The commentary in the annex to document MEPC 76/INF.20 on commonly used ballast water operations on tankers is based on questions and feedback from INTERTANKO's members as well as feedback from several flag Administrations and port State authorities consulted by INTERTANKO in relation to BWRB entries.

2 The information and commentary offered in the annex to document MEPC 76/INF.20 was submitted to the Committee because of its relevance to the Ballast Water Review Group's assessment and analysis of the implementation of the *International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004*, as specified in the data gathering and analysis plan (DGAP) (BWM.2/Circ.67/Rev.1).

**Correct entries in the BWRB**

3 As demonstrated in the annex to document MEPC 76/INF.20, ships' crews are being presented with conflicting interpretations by Administrations, class societies, port State Authorities and third-party auditors for entries in the BWRB for various ballast water operations. The annex to document MEPC 76/INF.20 expands on these different interpretations and illustrates the ambiguity associated with the "code" that should be used to record entries in the BWRB as offered in paragraphs 3.1 to 3.6 of appendix II to the Convention.

4 However, unlike the coding system used with the Oil Record Book for MARPOL Annex I, the BWRB does not strictly follow a coding system. The "code", as interpreted by the majority of owners and Administrations, is based on the numbering in paragraph 3 of appendix II to the annex to the BWM Convention.

5 Some examples of ballast water operational scenarios that led to the conflicting interpretations are provided below.

a. *Ballast water exchange (BWE); which entry and which method?*

The Convention defines three methods for BWE, namely sequential, flow-through and dilution. However, during the consideration of how to record BWE in the BWRB, it was frequently the case that there was no distinction made between which method of exchange was being used by the ship. As such, advice that only 3.2 should be used for BWE purposes may be too general and therefore confusing, especially when a ship uses the sequential method.

As there is no guidance provided on how to record BWE depending on the methods used, the document in the annex to document MEPC 76/INF.20 provides a commentary on how each method may logically be recorded in the BWRB. As this remains open to interpretation then it is clear that more specific guidance is required to ensure the industry and enforcement authorities are aligned.

b. *The meaning of 'circulated' in 3.2 and 3.2.2*

The terms 'circulated or treated' used together suggest a catch-all for any ballast water transfers undertaken between tanks. This may be interpreted to include, but not limited to, ballast water transfers for:

- i. ballast water exchange purposes;
- ii. general ballast water management for vessel trim, list, draught, stability or stresses; or
- iii. ballast transfers to maximize the mixing of chemicals/active substances with the ballast water for treatment and/or neutralization purposes.

As this is a common entry associated with common ballasting operations, then further clarity on the terms used in appendix II would offer some assistance when completing the BWRB.

c. *How to record treatment using a BWMS during ballasting and/or deballasting?*

This particular operation is a common area for diverging interpretation by inspecting authorities and is dealt with at length in the annex to document MEPC 76/INF.20. In summary, two schools of thought exist when recording the treatment of ballast water using a BWMS:

- i. using only 3.1 and 3.3;
- ii. using 3.2 as well as 3.1 and 3.3.

It was also observed that some third-party auditors have further complicated the discussion by requesting that ballast water treatment by neutralization be recorded in 3.3.3.

d. *Should entries be made tank-by-tank?*

Appendix II to the Convention does not explicitly require that the volume be recorded on a tank-by-tank basis. However, it is commonly the case that BWRBs are formatted in such a way as to allow entries to be made on a tank-by-tank basis. This could be due to the following reasons:

- i. The BWRB has been created electronically to facilitate a tank-by-tank entry. It is recognized that tank-by-tank entries in a paper BWRB could create excessive record keeping administration on board.
- ii. Dividing the ballast volumes down tank-by-tank may assist with the overall management of ballast water on board. This may be particularly relevant for BWE or BWMS that utilize in-tank dosing.
- iii. When undertaking BWE, reference should be made to the 2017 *Guidelines for Ballast Water Exchange (G6)*, which refers specifically to the ballast water 'tank'.
- iv. Many ballast water reporting forms (BWRB) and ballast logs require tank-by-tank records to be made. As such, some BWRBs are formatted so entries are made only once but can then be used for several purposes, namely the BWRB, ballast water reporting or ballast water log.
- v. Tank-by-tank entries are useful for keeping track of ballast management on chemical/product parcel tankers when partial loading/discharging is common. Similarly, it may be more straightforward to record internal transfers of ballast between tanks if a tank-by-tank record keeping format is used.
- vi. In the event a BWE cannot be completed in full, and only some tanks have been exchanged, then a tank-by-tank record may facilitate the ballast discharge from a compliance perspective.

Should a tank-by-tank entry be considered necessary, then appropriate guidance and coding should be established.

### **Experience building and data analysis**

6 The purpose of the ballast water experience-building phase (EBP), resolution MEPC.290(71), is to allow the Committee to monitor the implementation of the Convention. The EBP includes data gathering and analysis to allow the Committee to identify aspects of the Convention's implementation that are working well and to shed light on issues that require further attention. The EBP also includes a systematic and evidence-based process for reviewing and improving the Convention in order to ensure that any amendments to the Convention are developed holistically through an objective, transparent and inclusive approach.

7 In accordance with the schedule of the EBP, MEPC 76 will be required to finalize and approve the draft terms of reference for the Ballast Water Review Group (BWRG) to undertake its data analysis report and in so doing identify any appropriate additional data sources and/or questions. It is further noted that the terms of reference should, inter alia, also take into account additional information accepted by the Committee that has come to light other than through the EBP.

8 Based on the experience gained and information gathered and submitted in document MEPC 76/INF.20, it is therefore logical and reasonable that the Committee include a review of appendix II to the Convention within the finalized terms of reference of the data analysis report. The terms of reference for the review by the BWRG should:

- .1 identify any areas where the evidence demonstrates a need for an improvement of the Convention in light of experience gained (Article 2.5 of the Convention) with the BWRB and whether any such improvements may be included in the package of amendments following the conclusion of the EBP; and
- .2 consider whether additional guidance on entries in the BWRB is necessary. Such guidance exists for entries in the Oil Record Book (ORB) Part 1 (MEPC.1/Circ.736/Rev.2) and is widely used by those on board and the relevant inspection authorities.

9 The importance of considering the issue related to BWRB entries during the EBP cannot be underestimated. The timing of the EBP and the nature of compliance associated with correct entries in the BWRB is evidenced in the fact that ships are urged to carry documents on board demonstrating that the preconditions associated with the non-penalization measures of the EBP have been met. Such documents include the BWRB with PSC authorities invited, through BWM.2/Circ.67/Rev.1, to submit information on the outcome of PSC inspections and deficiencies in record book entries.

#### **Action requested by the Committee**

10 The Committee is invited to consider the recommendations in paragraph 8 of this document and take action, as appropriate.

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